

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL NO. 1:05cr31 KS-RHW-001

CLEM O. PRICE

ORDER DENYING MOTION FOR RESENTENCING
PURSUANT TO 18 U.S.C. §3582(c)(2)

This cause is before the Court on Motion for Resentencing Pursuant to 18 U.S.C. §3582(c)(2) [18] filed by Clem O. Price, and the Court considering the Petition and the information received from the Probation Service, finds that the Motion for Resentencing is without merit and should be denied for the following reasons, to-wit:

That Clem O. Price was sentenced by this Court on October 27, 2005, to a sentence of 262 months. At the time of the sentencing, the offender was a career criminal and based on U.S.S.G. §4B1.1 there would be a base offense level of 37. Irrespective of the recent amendment to the Sentencing Guideline No. 711, his base offense level would remain 37. If he receives a 3 point reduction for acceptance of responsibility, his base offense level would be reduced to 34 and with a criminal history category of 6, the guideline range is 262-327 months. At his sentencing he received a sentence of 262 months, which is at the bottom of the guideline range and therefore, he is entitled to no reduction.

For the above reasons, the Motion for Resentencing filed by Clem O. Price be and the same is hereby denied.

SO ORDERED AND ADJUDGED this the 18th day of June, 2009.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE